



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashley J. Birkett) PATENT
Serial No.: 09/930,915) Attorney Docket
Filed: August 15, 2001) ICC-102.2
For: IMMUNOGENIC Hbc CHIMER) (4564/81175)
PARTICLES HAVING ENHANCED)
STABILITY) Group Art No.
Examiner: Michael M. McGaw) 1648

TERMINAL DISCLAIMER

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The owner, Apovia Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of a patent that issues from any of U.S. Application Serial No. 10/732,862 filed December 10, 2003, whose assignment to Apovia Inc., is recorded at Reel 015136 and Frame 0319.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and a patent that issued from U.S.

Application Serial No. 10/732,862 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of another patent that issues from a before-enumerated application, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

The terminal disclaimer fee under 37 C.F.R. 1.20(d) is enclosed.

Respectfully submitted,

By 
Edward P. Gamson, Reg. No. 29,381

Enclosures

Terminal Disclaimer Fee
Reply and Amendment with Exhibits 1-6
Petition and fee

Serial No.: 09/930,915

-3-

WELSH & KATZ, LTD.
120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606
Phone (312) 655-1500
Fax No. (312) 655-1501

CERTIFICATE OF MAILING

I hereby certify that this Terminal Disclaimer and its fee, along with the Reply and Amendment and its stated enclosures are being deposited with the United States Postal Service as First Class Mail, postage prepaid addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on January 25, 2005.



Edward P. Gamson